

550 New
FILED
AUG 28 2007
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 **COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C § 1983**

2 Name Paredes Carlos Alberto
 3 (Last) (First) (Initial)

4 Prisoner Number 166123

5 Institutional Address Marin County Jail, 13 Peter Behr DR. San Rafael, CA 94903

6

7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**

9 Carlos Alberto Paredes
 10 (Enter the full name of plaintiff in this action.)

11 C } 07 4452
 12 vs. Case No.

13 (To be provided by the Clerk of Court)

14 **COMPLAINT UNDER THE**
 15 **CIVIL RIGHTS ACT,**
 16 Title 42 U.S.C § 1983

(PR)

E-filing

17 *[All questions on this complaint form must be answered in order for your action to proceed.]*

18 I. Exhaustion of Administrative Remedies.

19 [Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement Marin County Jail

21 B. Is there a grievance procedure in this institution?

22 YES () NO ()

23 C. Did you present the facts in your complaint for review through the grievance procedure?

24 YES () NO ()

25 D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal _____

2. First formal level Novato, Citizen Complaint (Penal Code § 148.6(a)(2), § 832.5) Case number #06-08. (See Exhibit -A, attached hereto for additional information.)

3. Second formal level City of Novato Police Advisory Review Board
(See Exhibit -B, and C, attached hereto for additional information.)

4. Third formal level Novato City Manager, Daniel E. Kean

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (✓) NO ()

16 F. If you did not present your claim for review through the grievance procedure,
17 explain why.

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,
22 if any.

23 Carlos Paredes, Marin County Jail, 13 Peter Behr DR. San Rafael CA 94903

26 B. Write the full name of each defendant, his or her official position, and his or her
27 place of employment.

1 Taira DeBernardi; City of Novato Police Officer Body Number N.P. 281
 2
 3
 4

5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
 7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
 8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
 9 separate numbered paragraph.

10 Officer Taira DeBernardi was deliberately Concealing exculpatory evidence (DeBernardi's
 11 Police Report Supplemental No. Cringinal, Reported date: 2/18/06) from the Plaintiff, in order
 12 to Manufacture false material evidence (DeBernardi's Police Report Supplemental No. 0005, Repor-
 13 ted date: 2/24/06).

14 On 2/23/06, Novato PD arrested the Plaintiff and falsely charged him for a Crime. On 2/24/06,
 15 Officer DeBernardi wrote false police report (See Exhibit E, attached hereto) and stated that, "at his
 16 time of contact with the Suspect, he reported the Suspect ethnic being Hispanic Male".

17 On 3/17/06, the Plaintiff attorney made a discovery request for Police dispatch tapes. The dispatch tapes
 18 revealed that officer DeBernardi broadcast over the radio that the Suspect he was looking for was a
 19 Black Male, (Afro-American). On the day of the Preliminary Hearing, Officer DeBernardi Committed Perjury and
 20 Obstructed Justice while under oath (See Exhibit A, and D, attached hereto). On 8/17/06, officer DeBernardi's
 21 Original Police report (See Exhibit F, attached hereto) was accidentally disclosed through the Police Internal Affairs investigation.
 22 According to exhibit F, Officer DeBernardi wrote that the Suspect he was looking for was, "Not of Hispanic origin". Note: The
 23 Plaintiff is Mexican. In other words, he is Hispanic ethnic.

IV. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

The Plaintiff is (Carlos Paredes) is requesting from the Court to authorize him \$ 20,000,000.00
 (Twenty million dollars) law Suit against the City of Novato Police Department. In addition am requesting
 from the Court to file Criminal Charges against officer Taira DeBernardi for Committing Perjury and Obstruction of Justice.

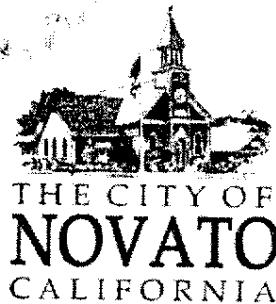
1 Officer Taina DeBernard needs to be prosecuted for Manufacturing false police
2 reports, and planting false evidence, Committing Perjury in a California Court room while under oath,
3 and Obstruction of Justice, Concealing material exculpatory evidence.
4

5 I declare under penalty of perjury that the foregoing is true and correct.
6

7 Signed this Carlos Paredes day of August 9, 2007
8

Carlos Paredes

10 (Plaintiff's signature)
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27
28



November 29, 2006

Police Department
909 Main Street
Novato, CA 94945-3242
415/897-4361
FAX 415/898-5344
www.ci.novato.ca.us

Mayor
Carole Dillon-Knutson
Mayor Pro Tem
Jeanne MacLeamy
Councilmembers
Judy Arnold
Pat Eklund
Jim Leland

City Manager
Daniel E. Keen

Police Chief
Joseph M. Kreins

Mr. Carlos Paredes
Marin County Jail
13 Peter Behr Drive
San Rafael, CA 94903-5216

Dear Mr. Paredes:

Your Citizens Complaint which was numbered, 06-08 has been investigated. At the conclusion of any investigation, there are four possible outcomes. Those outcomes are: 1) **Unfounded**: Where the investigation conclusively proves that the act or acts alleged did not occur. 2) **Exonerated**: Where the investigation conclusively proves that the act or acts alleged did in fact occur but they were legal, just or proper. 3) **Sustained**: Where the investigation conclusively proves that the act or acts alleged did occur. 4) **Not Sustained**: Where the investigation is unable to conclusively prove, one way or the other, whether or not the act or acts alleged did in fact occur.

Your Citizens Complaint alleges that Officer DeBernardi deliberately attempted to provide false information to the Court while under oath. You alleged the following penal code violations:

- PC 118 - Perjury Under Oath
- PC 118.1 - Filing a false police report
- PC 118(a) - Perjury
- PC 125 - Unqualified statements
- PC 129 - False Return Under Oath "Perjury"
- PC 134 - Preparing False Documents of Evidence
- PC 141 - Tampering with Evidence
- PC 182 - Conspiracy
- PC 135 - Destroying Evidence

After review of your complaint and the investigation conducted by Sgt. Rich Hill, I have made a finding of **Unfounded** on all the alleged complaints. The investigation conclusively proved that the acts complained of did not occur.

If you are not satisfied with the outcome of the investigation you have the opportunity to appeal the investigation to the Police Advisory and Review Board via the office of the City Manager within 30 days of receipt of this document. The required form is attached to this letter.

If you have a question concerning the actual investigation process you can contact my office.

Sincerely,



JOSEPH M. KREINS
CHIEF OF POLICE

JMK:vt



March 14, 2007

**THE CITY OF
NOVATO
CALIFORNIA**

75 Rowland Way #200
Novato, CA 94945-5054
415/899-8900
FAX 415/899-8213
www.ci.novato.ca.us

Mayor
Jeanne MacLeamy
Mayor Pro Tem
Pat Eklund
Councilmembers
Carole Dillon-Knutson
Ernie Gray
Jim Leland

City Manager
Daniel E. Keen

Carlos Paredes
13 Peter Behr Dr.
San Rafael, CA 94903

Dear Mr. Paredes:

The Novato Police Advisory Review Board (PARB) met on March 1 and discussed your appeal and how best to proceed. They have decided to consider your appeal at their next regular meeting, but would like to give you the opportunity to submit a statement for their consideration, in the event you are unable to attend the hearing.

You may submit a statement either orally (tape recorded) or in writing. In order to maintain the confidentiality of the proceeding, the statement must be transmitted to the PARB through your attorney, not through the U.S. Postal Service. If you wish to tape record a statement, your attorney should let the Sheriff Service Assistant know that Capt. Dennis McQueeney has approved the request. If there are any problems, your attorney should contact the Housing Sergeant on duty.

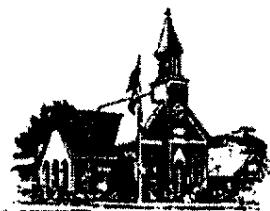
Please let me know by April 30 if you wish to proceed in this manner. The PARB's next regular meeting is tentatively scheduled for June 7, 2007 at which time they will consider your appeal.

Sincerely,

A handwritten signature in cursive script that appears to read "Mary Neilan".

Mary Neilan
Assistant City Manager

c: PARB members

EXHIBIT**THE CITY OF
NOVATO
CALIFORNIA**

75 Rowland Way #200
Novato, CA 94945-5054
415/899-8900
FAX 415/899-8213
www.ci.novato.ca.us

Mayor
Jeanne MacLeamy
Mayor Pro Tem
Pat Eklund
Councilmembers
Carole Dillon-Knutson
Ernie Gray
Jim Leland

City Manager
Daniel E. Keen

May 17, 2007

Carlos Paredes
13 Peter Behr Dr.
San Rafael, CA 94903

Dear Mr. Paredes:

I have received your letters and will forward them to the PARB for their review prior to the hearing on May 31.

It is possible for a family member to appear on your behalf at the hearing.

After the hearing, the Board will make a report to the City Manager as to their investigation and recommendation, if any. The City Manager will subsequently inform you as to the disposition of the appeal. This should happen within two weeks after the hearing.

Please feel free to contact me if you have other questions about the appeal process.

Sincerely,

A handwritten signature in cursive script that appears to read "Mary Neilan".

Mary Neilan
Assistant City Manager

Note: Exhibit -D; was a report
which was Submitted to the City of
Nevada Police Advisory Review Board.
Exhibit -D will explain the facts
and disclose the Conspiracy Coverup.

~~SECRET~~
~~SECRET~~

EXHIBIT-F was
deliberately Concealed for
up to Seven months.

Page 1 of 13

Line

1.

Novato Police Advisory Review Board Citizen Complaint appeal Case No. #06-08

2.

Subject to Complaint, Tairca DeBernardi N.P. #281, 13L9

3.

4.

Opening Statement(s)

5.

6.

This report/statement/Appeal is transmitted to the City of Novato P.A.R.B. This report will be made on the ground that the actions of the Novato Police agents (Officer Debernardi and Sgt. J. Deadman NP #227) were so outrageous Bias, prejudicial and Corruption as to violate the fundamental fairness required by the due process Clause of the Fifth and Fourteenth Amendment to the United States Constitution and Article I, Section 15 of the California Constitution. In addition the (Peace officer) "Law Enforcement Code of ETHICS."

13.

This motion will be based on this notice of motion, on the attached exhibits, Declaration and memorandum of points and authorities (Case Law) served and filed herewith, on such supplemental declarations and memoranda of point and authorities as may hereafter be filed with the Novato Police Advisory Review Board, on all the papers and records on file in this action, and documentary evidence as may be presented at the hearing.

19.

The following evidence, (exhibits) facts, and points and authorities will prove beyond a reasonable doubt that Officer Tairca DeBernardi is a lying, Perjuring, corrupt genocidal RACIST, that has been manipulating the Power of his Police Badge and our Judicial System. Throughout the Novato P.D. investigation (the February 18, 2006 offense) DeBernardi has been deliberately Concealing Exculpatory material evidence (DeBernardi's Original report, Police Report Supplemental No. 1 Original, page 3 of 3, Reported Date 2/18/06) which was favorable to the accused, the defendant (Carlos Paredes). DeBernard was Concealing his original report, in order to intentionally modify, manufacture a false police Report (Violation of Penal Code Section 118, 118.1, 134, 135; and 141ab) to produce stronger and more satisfactory evidence (Debernardi's Police Report Supplemental No. 0005, page 2 of 2, Reported Date 2/24/06).

30.

DeBernardi represents the very worst elements of the Novato Police Department and Society! Since DeBernardi was both Victim and Law enforcement professional he was willing to Commit Perjury, Obstruct Justice and ^{was} So Corruptly motivated to apprehend a suspect and Solvein this case only because it was an

31.

32.

33.

1 attack on himself and other fellow officers from his Police Department.

2 The Evidence : Novato Police Dispatch tapes, DeBernardi's Original Police Report,
3 The false Manufacturer Police Report, and Debernardi's testimony from the "Reporter's -
4 Transcript of Preliminary Hearing," all those items unfold a Criminal misconduct Coverup!!

5 On the night of the offense 2/19/06, Debernardi and Three other Law enforcement
6 officers "Stated over the Police radio, that the perpetrator ethnic was African American Male

7 After the Search for the perpetrator, Debernardi wrote a Original report and wrote that
8 Suspect was, quote: "Not of Hispanic origin". However on the day of the Preliminary Hearing
9 examination (6/9/06), while Debernardi was being Cross-examined under Oath, he Committed
10 Perjury and Stated that on the night of the offense while he searchd for the Suspect
11 at the "Scene of the Crime" he told other officer(s) "around him" that he described
12 the Suspect being a "Hispanic Male." (See Exhibit F , for more information on this Subject.)

13 The only reason Debernardi went a Step further to Conceal evidence, ~~and~~
14 produce false police report and Obstruct Justice is because he under estimated
15 the Defendant's ability to discover the recordings of Novato Police Dispatch tapes
16 and Secret Original Police report. Those two key items and testimony Debernardi's
17 testimony from the preliminary hearing is what Supports Debernardi's Corrupt Criminal
18 misconduct. If it went for the police dispatch tapes Debernardi would have
19 gotten away with Perjury and Obstruction of Justice. "You Can't unring
20 a Bell", once the Bell has rung"

21
22 A Criminal defendant has an ~~no~~ conditional right to represent himself or herself without
23 Counsel (Faretta vs California (1975) 422 U.S. 806, 833-835, 95 S.Ct. 2525, 45 L.Ed.2d 562).
24 with regards to Maintain Confidentiality of the "PARB" proceeding.....

25
26 Thank you PARB for your time and Consideration into this matter.

27
28 I Carlos Paredes declare under penalty of Perjury that the foregoing is
29 true and Correct to the Best of my knowledge and belief.

Respectfully Submitted,

x *Carlos Paredes* Dated: 5-13-7
Carlos Paredes

1 Statements of Facts
2

A

3 According to Police Reports, at 10pm on February 18, 2006, (2/18/06) Novato Police.
4 officer (Tairra DeBernardi, # 281, 1319) responded to a fight involving "Ten Black Males,"
5 not involving the defendant. While in the parking lot a Suspect driving a 2003, BMW
6 vehicle backed up into officer DeBernardi's patrol car, DeBernardi tapped on the window
7 and the driver refused to roll down the window. After attempts to get the driver
8 to exit his vehicle, the driver accelerated forward, in an attempt to flee. officer
9 (Stuart Baker) was standing within 20 feet from the front of the vehicle and had
10 his handgun drawn. The vehicle accelerated towards officer Baker and away from
11 DeBernardi. Officer Baker moved out the way of the vehicle which was accelerated
12 towards him. As the vehicle was exiting the parking lot, it Collided head on
13 into (Sergeant J.J. Deadman, # 227) S.U.V. patrol vehicle. The vehicle side slid
14 off the front of Sergeant Deadman patrol vehicle and continued out of
15 the parking lot.

16 The Novato police Department did not know the identity of the perpetrator but
17 according to (Novato PD dispatch tapes, that were given to the defendant's Attorney by the
18 Prosecutor upon request on March 16, 2007) "Three diffrent" law enforcement officer's
19 including (The "Prosecuting only reliable 'key witness' officer DeBernardi") he also put
20 out a broadcast over the police dispatch radio a description of a "Black Male-
21 -Suspect" (African American). In addition to that broadcast, the Suspect was reported
22 wearing a "Base ball Hat".

23 According to the (Novato P.D. pg. 3 of 3, handwritten transcript) the search for the Suspect
24 started at 22:07 hrs - 23:59 hrs. Throughout the search none search for the
25 Suspect, Novato Police officers were looking for a "Black Male."

26 After the search for the Suspect, Officer DeBernardi wrote a report (Police Report
27 Supplemental No # Original, page 3 of 3, Reported Date: 2-18-06). In DeBernardi's report
28 page 2 of 3, under "Suspect Ethnicity," DeBernardi ~~stated~~ "wrote" quote: "Not of Hispanic
29 Origin" unquote. (Refer to DeBernardi's "Police Report Supplemental No # Original," for
30 additional information). (See Exhibite A, B and C)

1 On February 21, 2006, (according to Police reports) Detective Micheal Augustus
2 of the Marin County Auto Theft Task Force informed Novato Police Detective Oliver
3 Collins, that the ~~defendant~~ ^{driver} of the 2/18/06, incident might have
4 been the defendant (Carlos Paredes). Until Detective Augustus told Novato Detective
5 Collins that the defendant might have been the driver of the 2/18/06 stolen
6 BMW, The defendant was never a Suspect in the 2/18/06 alleged offense.
7 Based on that information the Novato Police Conducted a photographic Line-up
8 of Six Hispanic Men, in which (Carlos Paredes) was Magically identified as the
9 perpetrator of the February 18, 2006, offense. Officer DeBernardi picked out a
10 "Hispanic" Suspect from the lineup.

NOTE

12 Note: On February 18, 2006, Officer DeBernardi along with "Three" other Law
13 enforcement officers, ~~were~~ put out on broadcast over police Dispatch radio Saying
14 ~~Heavy weight~~ that the Suspect was a "Black Male" (African American). In
15 Officer DeBernardis Original Police report (Supplemental No. Original, Reported Date -
16 2/18/06) he Said that the Suspect of the 2/18/06 offense was, quote;
17 "NOT of Hispanic Origin"; unquote.

FACTS

19 On February 23, 2006, A Hispanic Male Suspect (Carlos Paredes) is
20 arrested and charged with the 2/18/06 offense.

22 On February 23, 2006, The Novato Police Department Submitted five (5) Police
23 reports to the Marin County District Attorneys Office to be used as evidence
24 against the Defendant. The reports that were Submitted were: Officer Stuart Baker,
25 Tom Mackenzie; (3) Alex Rivera; (1) Jennifer Welch; and (5) Oliver Collins.
26 According to all five reports, on the "first page" of each
27 report, under "Administrative Information," The evidence Show that each police
28 report was successfully approved by "Approving Officers" before February 23, 2006.
29 That is the reason why those's police Reports were all Submitted to the District
30 Attorneys office. However, Officer DeBernardi's ~~Original~~ police Report Supplemental No. Original
31 was never Submitted into evidence along with the other five police reports.
32 The evidence reflect that DeBernardi's original report was successfully approved

1 by "approving officer N.P.# 133," Approval Date: 2/21/06. [Question: If officer
2 DeBernardi's Police Report Supplemental No. #Original was approved Prior to February 23,
3 why wasn't it Submitted and process with the other "Five" police reports
4 that were Submitted to the District Attorneys office ???!"
5

6 On February 24, 2006, two days after officer DeBernardi "knew" the Suspect name,
7 Ethnicity and physical identity, DeBernardi wrote a Police Report (Police Report Supplemental
8 number 0005, Reported Date: 2/24/06 Reported Time: 00:30 hrs) (See page 1af2 of the
9 report under, "Administrative Information"). In Debernardi's report (Supplemental number #0005)
10 Second page, Second paragraph, Debernardi wrote the following Statement which was
11 100% Contradicting to his prior Original Report.
12

(DeBernardi wrote: "At the time of my Contact with the parties,
13 I was unaware of his identity. I believed him an innocent Hispanic Male.")

14 After Debernardi wrote the false report (Supplemental number 0005) it was successfully
15 approved by Novato approving officer "Badge number NP#227" on 2/24/06 at
16 14:56 hrs. (See Debernardi's Police Report, page 1af2, for additional information).

17 (See Exhibit A, attached hereto, for the "UNMASKING" identity of "who" Police
18 Badge number "Badge number NP#227" really is, and the unfold unfolding (Conspiracy
19 Cover-up of the "two bins, Novato Police officers.")

20 (See Exhibit B-2, attached hereto, for additional information, on Debernardi Committing
21 Perjury while under oath with regards to when he first wrote Supplemental No 0005 police report).
22

23 On February 27, 2006, Officer Debernardi's report "Police Report Supplemental No. #0005" was process
24 as wrongfully produce as genuine upon proceeding and used as false evidence against
25 the defendant. Magically Debernardi's prior report, "Police Report Supplemental No. Original"
26 was never Submitted as evidence because it was helpful to the accused (CarlosPeredes)
27 with exculpatory statements which could have led to dismissal of the Criminal
28 charges against the accused. (Refer to Exhibit B-2, for additional information).
29

30 On March 16, 2006, The Defendants Attorney made a "discovery Request" under California
31 Penal Code Section 1054.1 to have access to "Novato Police Department Dispatch traffic
32 tapes; And CAD Log Printout. Upon our request, the those items were given to us.
33 From that day forward, after hearing the Dispatch tapes, officer Debernardi's Criminal
34 misconduct Started to unfold."

ine

1. On June 9, 2006, the day of the Preliminary Hearing examination, Officer DeBernardi Contradicted
2. all his testimony while under Cross-examination. He deliberately Committed Perjury
3. while under Oath in a California Courtroom (See attached Exhibits for more -
4. additional information on how DeBernardi Obstructed Justice while under oath.) On the
5. day of the Preliminary Hearing DeBernardi did not bring nor submit his Original report
6. to the District Attorneys office prosecutor. In fact Officer DeBernard only brought his
7. fabricated report (false Police Report Supplemental No. #0005) to Support his false testimony while
8. under oath (Refer to "Preliminary Hearing Transcript Report" page 35, 36, 37, 38, for additional information)
- 9.

10. On July 13, 2006, after analyzing officer DeBernardis testimony from the
11. "Preliminary Hearing Transcript Report" and Comparing it to other reliable documents, A
12. discrepancy was noted. Based on DeBernardis false statements/testimony while under
13. Oath and other Seriously "California Penal Codes Violations;" ~~exculpatory statement~~ "I felt it
14. was my right to file a Complaint with the Novato P.D." (Penal Code 148.6(2)(A))
- 15.

16. On July 30, 2006, A Citizen Complaint was Submitted to the Novato Police Department
17. along with, "two attached exhibit's A and B" in order to Support allegations of,
18. "Criminal misconduct, Perjury, Obstructing Justice and Cal. Pen Code violations, Sections -
19. -118, 118.1; 125; 129; 134; 135; 141.1(b) and 182.(A)(2)(3).
- 20.

21. On August 17, 2006, Novato Police Department "Internal Affairs Investigator"
22. Sergeant Richard Hill, N.P.#133) Came to the Marin County Jail to "tape record" a
23. Statement from the defendant (Carlos Paredes) regarding the Citizen Complaint filed on
24. Officer Taina DeBernardi. While being interviewed by Sergeant Hill, a documented report,
25. "Writing by officer DeBernard," was accidentally shown to the defendant. The report
26. that was accidentally disclose was (DeBernard's Police Report Supplemental No. Original -
27. -Reported Date: 2/18/06). According to the report, DeBernardi wrote that the Suspect
28. of the 2/18/06 offense was "Ethnicity" was, quote; "Not of Hispanic origin."
- 29.

30. After the interview with Sergeant Hill, the Defendant (Carlos Paredes) informed
31. Attorney Coffino, that there was a ~~Exculpatory~~ Concealed police Report (Deberardis -
32. -Supplemental No Original) which had EXCULPATORY STATEMENTS. In addition Deberardis
33. Concealed report, was very Contradicting and damageing ~~end~~ to his Credibility
34. when Comparing both of his real police Reports, Supplemental No Original and
- Supplemental No. #0005. Based on Sergeant Hills, negligence, is what led

1 to the disclosure of Officer Debernardi's Original Police Report.

2 "The only reason the original report was ever discovered was because
3 the defendant accidentally saw it on 8/17/06, while being investigated by
4 Novato Police Department Internal Affairs, investigator Sgt. Richard Hill, Badge number NP133."

5 The only reason the Novato PD tried over DeBernardi's Original Police report was
6 because we ~~found~~ discovered it and because under Cal Penal Code section 1054(E)
7 "It's mandated by the Constitution of the United States."

8 California Penal Code section 135 "Destroying or Concealing documentary evidence".

9 Destroying Evidence. Every person who, knowing that any book, paper, record, instrument in
10 writing, or other matter or thing, is about to be produced in evidence upon any trial,
11 inquiry, or investigation whatever, authorized by law, willfully destroys or Conceals the
12 same, with intent thereby to prevent it from being produced is guilty of a misdemeanor.
13

14 On August 25, 2006, According to an article in the Marin County Independent
15 Journal news paper. A 35 year old Black woman "Donna Hammilton" was physically
16 Assaulted and called racial names by Three Novato Police officers. Officer Debernardi was
17 one of the officers that was involved in the beating, that ~~should~~ intent the
18 Black woman. According to the article Donna Hammilton filed a Citizen
19 Complaint on Officer Debernardi. (Refer to Marin County I.J. news paper article for more information)

20
21 Note: And just a final note, the dispatch tapes and CAD Log transcript reflect that the
22 Suspect of the 2/18/06 offense was reported wearing a "Baseball Hat" and
23 yet officer DeBernardi had no hesitation describing the length of the person's hair in his
24 false report (Supplemental No. 0005) And magically, it happens to fit the same
25 hair length of the Defendants (Carlos Paredes) Mugshot picture, which by the
26 way, Debernardi provided that hair length ($\frac{1}{2}$ inch to 1 inch long) description
27 in the fabricated police report, only after already knowing what the defendant
28 looked like. In addition Debernardi doesn't write anything about a ~~base~~ Baseball Hat
29 in his false report. It is, part of Debernardi's personal training as a Law
30 enforcement professional, to record in the police Report the important Critical
31 details of an investigation! (Commission on Peace Officers Standards Training).

32
33 I hope it's clear to the P.A.R.B. that officer Debernardi had a

1 unique and personal bias motive to obstruct Justice and bring Justice upon
2 himself, regardless of the Defendants due process rights under the State
3 and Federal Constitutions. Since Debernardi was both victim, witness and
4 Law enforcement Professional, he was manipulating both Criminal Judicial
5 System, and the Power of his Police authority in order to Conceal
6 his prior police report. Since Officer Debernardi's original police report was
7 very helpful to the accused (Carlos Paredes) it had exculpatory statements which
8 could have led to Dismissal of Criminal Charges, therefore Officer Debernardi
9 went a Step further by in preparing a false evidence (Police Report). In
10 his false report (Police Report Supplemental No. 0005, Reported Date: 2/24/06) he describes
11 the Suspect as being Hispanic or white, only after already knowing the
12 Suspects physical identity. Since the Discovery of the prior police report,
13 Debernardi is Subject to Corruption and undermines the hole police Department
14 investigation regarding this "Case". Debernardi's Credibility is worth
15 Noting! But what is a lot more reliable is what Debernardi said
16 over the radio repeatedly along with other Police officers that it was a
17 "Black Male" Suspect. And how Debernardi Could describe the hair
18 I laugh when you've got a guy wearing a baseball Hat is
19 a big mystery to me!??!

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MEMORANDUM OF POINTS AND AUTHORITIES

The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of law enforcement officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices. ~~discriminatory~~

Penal Code Section 13519.4. Racial and Cultural diversity training.

(d) "Racial profiling," for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of without any individualized suspicion of the particular person being stopped.

(e) A law enforcement officer shall not engage in racial profiling.

1 "Score and Weight of Evidence"

2 Evidence is broadly defined to include testimony, writing, material objects, or other things
3 presented to the sense that are offered to prove the existence or nonexistence of a
4 fact. (Evidence Code section 140).

5 "Party having power to produce better Evidence"

6 If weaker and less satisfactory evidence is offered when it was within
7 the power ~~the power~~ of the party to produce stronger and more satisfactory evidence, the
8 evidence offered should be viewed with distrust (Evidence Code Section 141a).

9 "Destroying or Concealing Documentary Evidence"

10 Every person who, knowing that any book, paper, record, instrument in writing, or other
11 matter or thing, is about to be produced in evidence upon any trial, inquiry, or
12 investigation whatever, authorized by law, willfully destroys or conceals the same, with intent
13 thereby to prevent it from being produced is guilty of a misdemeanor (Penal Code Section 135).

14 "Preparing false documentary evidence"

15 Every person guilty of preparing any false or ante-dated book, paper, record, instrument
16 in writing, or other matter or thing, with intent to produce it, or allow it to be produced
17 for fraudulent or deceitful purpose, as genuine or true, upon any trial, proceeding,
18 or inquiry whatever, authorized by law is guilty of felony (Penal Code Section 134)

19 "Peace officer; false report"

20 Every peace officer who files any report with the agency which employs him or her regarding
21 the commission of any crime or any investigation of any crime, if he or she knowingly and
22 intentionally makes any statement ~~is recertified or otherwise expressly~~ regarding any material
23 matter in the report which the officer knows to be false, whether or not the statement
24 is certified or otherwise expressly reported as true, is guilty of filing a false report
25 punishable by imprisonment (Penal Code Section 118.1.)

26 "Peace Officer-Planting or Manufacturing Evidence"

27 Every peace officer who knowingly, willfully, and intentionally alters, modifies, plants, places,
28 manufactures, conceals, or moves any physical matter, with specific intent that the action
29 will result in a person being charged with a crime or with the specific
30 intent that the physical matter will be wrongfully produced as genuine or true upon
31 any trial, proceeding, or inquiry whatever, is guilty of violation of (Penal Code section 141),
32 subdivision (b), a crime.

Page 10 of 13

In Order to prove this Crime, each of the following elements must be proved:

1. A Peace officer knowingly, willfully, and intentionally [altered] [or] [planted] [or]
[placed] [or] [manufactured] [or] [concealed] [or] [moved] any physical matter; and
2. The peace officer did so [with the specific intent that the physical matter
action would result in a person being charged with a crime] [or] removed [with the
specific intent that the physical matter will be wrongfully produced as genuine
or true upon any [trial, proceeding, etc.] whatever]. (CALJIC No. 7.18)

Percyjury defined; evidence necessary to Support Conviction.

Every person who, having taken an Oath to (testify, declare, etc.) truly before any Competent tribunal, officer, or person, in any of the cases in which the oath may by law be administered, willfully and Contrary to the oath, States as true any material which he or she knows to be false, is guilty of the Crime of perjury in violation of Penal Code Section 118.

CALJIC 7.20 Perjury Under "Oath"-Defined

A false statement is material if [it could probably influence the outcome of the proceedings in which it is uttered. Whether it actually had that effect is irrelevant.]

In order to prove this Crime, each of the following elements must be proved:

- (1) A person knowingly took an Oath to (testify, declare, etc.) truly before a Competent (tribunal, etc.) and willfully stated as true, matter which was false;
- (2) The (testimony, declaration, etc.) was [given] [made] in circumstances in which an Oath may by law be administered [;]; and the deposition had been signed by the defendant, [and was delivered to another person with the specific intent that it be uttered or published as true,];
- (3) The person knew the statement was false;
- (4) The false statement was material; and
- (5) The person had the specific intent to (testify, declare, etc.) falsely under Oath.

Destruction of Evidence (DeBernard's Original Police Report, Dated 2-18-07).

The United States Supreme Court again address the issue in (Arizona vs Youngblood (1988) 488 U.S. 51, 109 S. Ct. 333, 102 L.Ed.2d 28), holding that unless a Criminal defendant can [show] [bad] faith by the [Police], failure to preserve useful evidence does not constitute a denial of due process of law. The presence or absence

[Page 11 of 13]

1 of bad faith by the police necessarily turns on the police's knowledge of the
 2 EXCULPATORY VALUE OF THE EVIDENCE at the time it is lost, destroyed,
 3 or Concealed.

4 On February 18, 2006, after the search for the suspect of the 2/18/06 offense, Officer
 5 DeBernardi wrote an "Original" Police Report describing the suspect ethnicity as, quote;
 6 "Not of Hispanic Origin"; unquote. DeBernardi's original police report was produced ~~before~~
 7 before the arrest of a suspect."

8 On February 24, 2006, two days after the arrest of a suspect, DeBernardi realized that his
 9 original police report was helpful material evidence on behalf of the accused because it
 10 had ~~ext~~ exculpatory value, which would have supported the accused innocence.
 11 Officer DeBernardi then concealed his original police report in order to produce a
 12 false police report as genuine. The original police report was never submitted into
 13 evidence nor was it ever disclosed throughout Court proceeding. In fact the original report
 14 was concealed for seven months and kept secret. On August 17, 2006, the report was
 15 only discovered because it was ~~accidentally~~ accidentally shown to the defendant regarding a
 16 citizen complaint investigation. Based on that information is what led to the discovery of
 17 the conspiracy cover-up. DeBernardi's concealed police report was the missing element
 18 and puzzle piece to prove Obstruction of Justice and Corruption.

Police Reports

20 Due process requires disclosure of any reports containing evidence that undermines the
 21 credibility or probative value of prosecution evidence. Prosecution Evidence: DeBernardi's
 22 false police report supplemental - number 0005, Reported Date: 2/24/06] [(United States vs -
 23 Strifler, 851 F.2d 1197 (9th Cir. 1988); Davis vs Alaska, 415 U.S. 308, 94 S. Ct. 1105,
 24 39 L. Ed. 2d 347 (1974)).

Statements of Testifying Witnesses

26 Statements: The California Supreme Court has found that "[a]ll notes or memoranda,
 27 handwritten or typed," by law enforcement "with any witness which is relevant to
 28 said witness' credibility or upon the issues of defendants' guilt or innocence"
 29 must be disclosed. (People vs Ayala, 23 Cal. 4th 225, 279, 96 Cal. Rptr. 2d 682, 1 P. 3d
 30 3 (2000)).

31 Oral statements: The Supreme Court has noted that oral "reports of statements"
 32 of witnesses, as well as written and recorded reports of statements are
 33 discoverable. (People vs Hardy, 2 Cal. 4th 86, 179, 5 Cal. Rptr. 2d 796, 825 P.
 34 2d 781 (1992)).

1 Inconsistent Statements.

2 Statements made by a prosecution witness that are inconsistent or that conflict with
3 other statements made by the witness undermine the witness' credibility, and are
4 favorable to the accused.

5 Original Notes of Police.

6 The original written notes of the interview of a witness constitute a written
7 "statement" under the discovery statutes. The raw written notes of interviews by
8 investigators (Police investigators) or prosecuting attorneys with witnesses, that reflect
9 the witness's statement, but not the interviewer's impression or opinion, are
10 "statements" and must be disclosed, whether or not the notes are used to
11 produce a formal written statement report (Thompson vs Superior Court, 53
12 Cal. App. 4th 480, 484-485, 61 Cal. Rptr. 2d 785 (2d Dist. 1997)).

13 In reaching this conclusion the Court of Appeals held that "the witness' words,
14 whether recorded electronically or by someone writing them down, are
15 the statements. Whether left in that form, or rearranged, restated, or edited by
16 someone else, the witness' words in the raw written notes or unedited
17 tape remain a statement." (Thompson vs Superior Court (1997) 55 Cal. App. 4th
18 480, 486, 61 Cal. Rptr. 2d 785).

19 Federal Courts also consider the notes that record the oral statements
20 of a witness as a "statement" of that witness which may be used as a
21 prior inconsistent statement to impeach the witness. (Paradis vs Arave (9th
22 Cir. 2000) 240 F.3d 1169, 1179).

23 Nevertheless Officer DeBernardi is in violation of the
24 Defendants due process rights under the State and Federal Constitutions, for
25 Concealing in bad faith the Original Police Report. In addition DeBernardi is
26 also in violation of California Penal Code Sections for Submitting false documentary
27 evidence, false statements under oath, Committing Perjury, and Obstructing Justice.
28

29 CALJIC 2.92 Factors to Consider in proving Identity by Eyewitness Testimony

30 Eyewitness testimony has been received in this trial for the purpose of
31 identifying the defendant as the perpetrator of the crime charged. In determining the
32 [weight] to be given eyewitness identification testimony, you should consider the
33 believability of the eyewitness as well as other factors which bear upon the
34 accuracy of the witness' identification of the defendant, including, but

1 not limited to, any of the following:
 2 [The witness' ability, following the observation, to provide a description of the perpetrator of
 3 the act;] [The extent to which the defendant either fits or does not
 4 fit the description of the perpetrator previously given by the witness;]
 5 [The cross-racial [or ethnic] nature of the identification;]
 6 [Whether the witness was a trained observer;]
 7 [Whether Criminal was masked or disguised;]
 8 [whether witness made any notes of the incident;] and
 9 [Any other evidence relating to the witness' ability to make an identification]
 10
 11 The evidence: Novato Police Dispatch tapes, Debernardi's Original Police Report, The false
 12 Police report, and Debernardi's testimony from the Preliminary Hearing Transcript Report, all
 13 unfold a Criminal misconduct Cover-up!!!!!!
 14 On the night of the incident 2/18/06, Debernardi and two other Law enforcement officers
 15 Stated over the Police radio that the ~~fact~~ perpetrator ethnic was "African American."
 16 After the Search for the perpetrator, Debernardi wrote a Original report and wrote that Suspect
 17 was "Not of Hispanic Origin." However on the day of the Preliminary Hearing examination 6/9/06
 18 while under oath/cross-examination Debernardi Committed Perjury and Stated that on
 19 the night of the offense while Searching for the Suspect, ~~at~~ at the Scene of the Crime,
 20 he told other officers ~~said~~ "around him" that the Suspect was "Hispanic." (See Exhibit-
 21 - F for more information on this Subject).
 22 The only reason reason Debernardi Obstructed Justice and Submitted false
 23 evidence is because he underestimated the Defendants ability to discover the
 24 Novato Police Department Dispatch tapes and the Original Police report. These two "key" items
 25 ~~is~~ and testimony from the preliminary hearing, is what Supports Debernardi's Criminal misconduct.
 26 Just because Officer is a Peace officer, does not Shield him from the United States
 27 Judicial System nor does it give him power or the right to violate the ~~Constitutional~~
 28 ~~Constitutional~~ Constitutional Rights of Citizens of the Community.
 29 I understand that am not a U.S citizen, but I still have Constitutional Right
 30 rights regardless if am "Mexican".
 31 Thank you PARB for your time and Consideration into this matter.
 32 I Carlos Paredes declare under Penalty of Perjury that the foregoing is
 33 true and Correct to the Best
 34 of my knowledge and belief.
 Respectfully Submitted,
 * Carlos Paredes Dated 5/13/07
 Carlos Paredes

Line

1

(Exhibit - B "Perjury while under oath")

2

(Inconsistent and Contradicting statements.)

3

4

Fact: On the night of the incident "February 18, 2006"; Officer Debernardi wrote a report (Police Report Supplemental No. Original, page 3 of 3 Reported Date: 2/18/06) and wrote that the Suspect Ethnicity was, quote; "Not of Hispanic Origin," unquote.

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However, DeBernardi's Original Police Report was never Submitted or process to the Marin County District Attorneys office to be used as evidence in the prosecution's investigation. It wasn't even Submitted as evidence 'Three Months after the incident' on (06/09/06) the day of the Preliminary Hearing examination! In fact, Debernardi's Original Police report was Kept Secret and deliberately Concealed for up to Seven months when it was accidentally disclose on August 17, 2006. (See Exhibit for more additional information on this Subject matter.)"

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On February 24, 2006, two days after officer DeBernard "Knew" the Suspect name, Race, and physical identity. He wrote a report (Police Report Supplemental No. #0005, page 2 of 2 -Reported Date: 2/24/06). According to Debernardis report (Report Supplemental No. #0005) he wrote a "Statement" which was false, Contradicting and very impeaching to his Credibility with regards to his prior description of the Suspect he made on the night of 2/18/06, on Both, "Police Dispatch radio" Saying it was a "Black Male" Suspect, and what description he wrote on his original report dated 2/18/06 (Supplemental No Original) quot; "Not of Hispanic Origin."

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Magically in Debernardis report dated 2/24/06, (Supplemental No #0005) he wrote the following: "At the time of my Contact with Paredes, I was unaware of his identity. I described him as a white or Hispanic Male." Debernardis false police Report was Submitted to the District Attorneys office to be process as evidence against the defendant.

Debernardis personal interest and desire to deliberately Conceal documented evidence (Police Report Supplemental No. Original, Reported Date: 2/18/06) and to falsely Produce Stronger and more Satisfactory ungerenuine material evidence (Police Report Supplemental No. #0005) were bias motives for the following reason's: (1) Officer Debernardi wrote in his original police report that the Suspect of the

1 2/18/06 offense was, quote "Not of Hispanic origin". On 2/22/06, the suspect that
2 was being charged for the 2/18/06 offense was Hispanic (defendant Carlos Paredes).
3 DeBernardi knew that the original report and prior statement was favorable
4 evidence to the accused (Carlos Paredes) because it had exculpatory statements,
5 "which if discovered," could have led to the dismissal or acquittal of the
6 criminal charges against the accused. Therefor the original report was
7 concealed and never submitted to into evidence.
8 (2.) Both of the victims, officer DeBernardi and "Sgt. Deadman, Police Badge number N.P. #227" Conspired
9 to manipulate the power of the Police Badge and to Obstruct Justice (see -
10 -Exhibit-A'). Since "they" both were Law enforcement professionals, witnesses
11 who were also victim's, they had a very unique personal interest and motivation
12 to quickly find and arrest the perpetrator and solveing the crime regardless
13 if it was the allege perpetrator, or not, of the 2/18/06 offense. Since the
14 attack was on Officer Baker, Deadman and Debernardi, both of the victims
15 went a step further in bringing Justice upon themselves by Concealing evidence
16 Debernardis report (Supplemental No-Original) in order to pre prepare and
17 produce a false police report (Debernardis Supplemental No. 0005, Reported Date: 2/24/06)
18 When the false report was finished, Sgt. Deadman N.P. #227, (the victim) Conspired
19 to Committing perjury and personally approved Debernardis false police
20 report. [Keep in mind, on the night of the incident Sgt. Deadman knew that
21 the Suspect they were looking for, for two hours was a Black guy,
22 how, and why? because it was dispatch over the police radio] (Refer to Exhibit A';
23 attached hereto, for the unmasking and Conspiracy Cover-up, of the two
24 Corrupted, bias Novato Police officers). (3.) Since Debernardis Original statements
25 in his original police report was very helpful to the accused, but yet
26 damageing to both Novato P.D. Investigators and Marin County prosecutor, Debernardis
27 original report was Concealed for seven months! Since Officer Debernardi wrote
28 and finished his original Police Report before the arrest of the suspect
29 (Carlos Paredes). A false manufacture police report (Supplemental No. 0005) was produced
30 on 2/24/06 at 00:30 hrs, with stronger and satisfactory misleading statements
31 then the prior original police report. (4.) By unrevealing and ~~not~~ Concealing
32 the original Police Report Debernardi was able to easily modify, plant,
33 manufacture and produce false evidence, "Police Report Supplemental No. 0005."

1 The motive of Suppressing the original report was to produce stronger and
2 more satisfactory evidence. Since the false report (Supplemental No[#]0005) was
3 then wrongfully produced as genuine upon proceeding, Debernardi made it his
4 obligation to never let the original Report be disclosed because it was so
5 damageing to Debernardis Credibility. Even more so, it was really
6 Contradicting and very bias-impeaching evidence which could have
7 Supported the true intentions of Debernardis Criminal behavior, in addition
8 it would have outfalled the also supported the Criminal Elements of
9 bias, Perjury, Corruption, falsification, Conspiracy and Obstruction of
10 Justice, with regards to Comparing both reports together (Supplemental No[#]0005
11 and report (Supplemental No[#]Original)).

12 Fact: Nevertheless, Officer Debernardi is in violation of California Penal Code
13 Section's ~~deliberately~~ 118 "Perjury defined; evidence necessary to support conviction,"
14 118.1 "Police officers; false reports; 134 "Preparing false documentary evidence;"
15 135 "Destroying or Concealing documentary evidence;" 141(b) "Police officer Planting
16 or Manufacturing Evidence;" and California Evidence Code Section 412 "Party having
17 power to produce better evidence".

18 Debernardi has also violated the "Law Enforcement Code of
19 Ethics." part of it states: "To Protect the Innocent Agents DECEPTION"-
20 "-I will never Act official Officially Or Personal Feelings Prejudices,
21 Animosities or Friendships to Influential Influence my Decisions"- "Honest in
22 Thought and Deed in both my Personal and Official Life"- "To Respect
23 The Constitutional Right of All Men to Liberty Equality and
24 Justice".

25 Debernardi Seems to think this "Code of Ethics" has no meaning or value
26 to him!

27 (Preliminary Hearing Transcript Report)
28 (Testimony From Officer DeBernardi, Under Cross-examination)
29 (Preliminary Report page 35: Line 17-20)

30 Defense Attorney: [Q] Do you have your police Report in front of you?
31 [A] Yes, I do. (Police Report Supplemental No.0005, Reported Date: 2/24/07)
32 [Q] And it reflects that you wrote the report on February 24; is that right?
33 [A] May I check my report to verify that? Attorney: Yes.

Line

1. THE WITNESS DEBERNARDI: Yes, the report date shows February 24th, 06.

2. [Q] And is that when you actually wrote the report? [A] No, it's not.

3.

4.

(California Penal Code Section 118.)

5. Perjury defined; evidence necessary to Support Conviction

6. Perjury under Oath. Every person who, having taken an Oath to (testify, declare etc.) truly before
any Competent tribunal, officer, or person, in any of the cases in which the oath may by
law be administered willfully and contrary to the Oath, states as true any material
matter which he or she knows to be false, is guilty of the crime of perjury in violation
of Penal Code section 118.

11.

12.

Preliminary Hearing Transcript Report, page 36 of the 1-28 (Officer Debernard; under..... Oath)

13. [Q] Well, how do you know when you wrote the report?

14. [A] That date shall be in the reported date box, top of the report, administrative
information, first line, fourth box. [Q] Right. And that says reported date 2/24/06, Right?

15. [A] Correct. [Q] So, that's when you wrote your report, Correct?

16. [A] No, it's not. [Q] Okay, let me ask you again. When did you write your report?

17. [A] I wrote it the night of the incident. The incident occurred on 2/18. So,

18. possibly by the time I sat down in front the Computer and started writing, it was 2/18.

19.

20. (Fact: Debernard Committed perjury when he stated that the 2/24/06
report was written the night of the incident. The evidence Speaks for its Self!)

21.

22.

23. [Q] And you wrote your report before the photo lineup? [A] Yes, the report was

24. started the evening of the incident. [Q] Okay, on page 2 of your report

25. you refer to the photo lineup, don't you? [A] Yes, I do.

26. (Page 37) [Q] So, how could you have written your report before the photo lineup if you're
27. referring to the photo lineup in the report? [A] The report was not submitted

28. until--- and I would to check the log for the exact date, but the report was

29. Submitted after the photographic lineup.

30. Note: (Officer Debernard) According to testimony from Debernard, he said under oath that the

31. 2/24/06 report (Police Report Supplemental number 0005) was written on the night of

32. the next incident. (Report 100% false and Contradicting. The evidence and Debernard's

33. testimony speaks for its Self, regardless of what he says! Nevertheless, Debernard

34. is also in violation of Penal Code 141(b) and 118.1 "Police officer false Police Report."

Exhibit A-1

Line

1.

EXHIBIT-A: Unmaskin the mysterious, Secret identity of
Novato Police Department Badge Number, "NP.227" (Sergeant, John David Deadman, NP.227)

2.

3.

4.

Bias: Unfoldin Badge number NP.227 Conspiracy Cover-up.

5.

6.

FACT: Accordin to police reports, on the night of February 18, 2006, the Suspect
(Black Male) of the Stolen vehicle Crashed into Sergeant Deadman NP.227 S.U.V. patrol
vehicle.

7.

8.

The Suspect of the vehicle was described by officer "Taira DeBernard" and other Law
enforcement officers as a "Black Male" (African American) over the police dispatch radio.
(Refer to Novato Dispatch traffic tapes). According to dispatch tapes, the "Black Male" description was
broadcast over the air ~~in~~ Five (5) times. Sgt. Deadman was also involved in the Search
for the Black Male Suspect.

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(On February 22, 2006, a Hispanic Male Suspect is arrested and charged with the 2/18/06 incident.)

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On February 22, 2006, Novato Police Department Submitted "Five" (5) police Reports to the
District Attorneys office to be used as evidence against the defendant.

However, Officer DeBernard's Original report (Police Report Supplemental No. # Original, Reported Date 2/18/06)
was never submitted into evidence. In fact the Original report was deliberately Concealed
for up to "7" months up until August 17, 2006, the day the original report was
accidentally disclosed, "for the first time ever," by Novato P.D. Internal Affairs investigator
Sgt. Hill, who was investigating a Civil matter (Citizen Complaint No. # 06-08, Subject, Debernard;
allegations of "Perjury while under oath").

MEMORANDUM OF POINTS AND AUTHORITIES

31.

32.

33.

34.

Subject Officer DeBernard's Concealed Police Report Supplemental No. # Original.)

(1.) Under Penal Code Section 135, Destroying or Concealing documentary evidence.

Every person who knowing that any book, paper, record, instrument in writing, or other matter
or thing, is about to be produced in evidence upon trial, inquiry, or investigation

Page 2 of 4

Line

1. whatever, authorized by law, willfully destroys or conceals the same, with intent thereby
 2. to prevent it from being produced, is guilty of a misdemeanor. (Penal Code Section 135)

3.

4. Statements of Testifying witness

5. Statements of testifying witness, under California Penal Code, section 1054.1(F) provides for
 6. disclosure of "witness" Written or recorded statements of witness or reports of the statements
 7. of witness whom the prosecutor intends to call at the trial.
 8. Statements: The California Supreme Courts has found that "[a]ll notes or memoranda,
 9. handwritten or typed" by Law enforcement "~~with~~" "with any witness which is relevant
 10. to said ~~witness~~ witness' Credibility or upon the issues of defendants' guilt or
 11. innocence" must be disclosed. (People v. Ayala, 23 Cal.4th 225, 279, 96 Cal. Rptr. 2d
 12. 682, 1 P.3d 3 (2000)).

13. Police Reports: is based both on the Statute and on due Process
 14. concerns. Penal Code § 1054.1(F) provides for disclosure of any reports Containing evidence
 15. that undermines the Credibility or probative value of prosecution evidence.

16. (United States V. Shaffer, 851 F.2d 197 (9th Cir. 1988); Davis v. Alaska, 415 U.S. 308,
 17. 11 S. Ct. 1105, 39 L.Ed.2d 342 (1971)).

18. Original Notes of Police: The original written notes of the interview of a
 19. witness constitute a written "Statement" under the discovery Statutes. The raw
 20. written notes of interviews by investigators (Police Departments) or prosecuting attorneys
 21. with witnesses, that reflect the witness's statements, but not the interviewer's
 22. impressions or ~~exp~~ opinions, are "Statements" and must be disclosed, whether or
 23. not the notes are used to produce a formal written statement report.

24. (Thompson V. Superior Court, 53 Cal.App.4th 480, 484-488, 61 Cal.Rptr.2d 785-
 25. 791 (2d dist. 1997)).

26. In reaching this Conclusion the Court of Appeals held that "the witness' words
 27. whether recorded electronically or by someone writing them down, are the statements.
 28. Whether left in that form, or rearranged, or edited by someone else, the witness'
 29. words in the raw written notes or unedited tapes remain a Statement." (Thompson V.
 30. Superior Court (1976) 55 Cal.App.4th 480, 486, 61 Cal.Rptr.2d 779).

31. Federal Courts also consider the notes that record the oral statements of a
 32. witness as a "Statement" of the witness which may be used as a prior inconsistent
 33. to impeach the witness. (Baradis V. Areave (9th Cir. 2000) 240 F.3d 1169, 1179).

Page 3 of 4

Line

1. According to the Marin County District Attorneys report filed on ~~February 23, 2006~~.
2. Sergeant John Deadman was a victim of a (245.c; Assault with deadly weapon upon a Peace officer).
- 3.

4. On ~~February 23, 2006~~, two days after already knowing the identity of the Suspect (defendant Carlos Paredes) Officer DeBernardi fabricated false evidence, a "false" police report (Police Report Supplemental No #0005, Reported Date 2/27/06 at 00:30 hrs).
- 5.
- 6.

7. Note: On the day of the Preliminary Hearing (6/09/06) while Debernardi was under Cross-examination, he committed Perjury while under oath and said he wrote his police report Supplemental No #0005 on the night of 2/18/06 and deliberately denying writing the report on 2/24/06. However the evidence prove that police report in fact police report Supplemental No 0005, was started/written on 2/24/06. (See Exhibit , for additional information and disclosure explanation of Debernardi Obstruction Justice).

8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34.

On ~~February September 15, 2006~~, it was discovered that the person "who" Approved Officer DeBernardi's "false" police Report Supplemental No #0005, was approving officer Police Badge number # NP227. According to "Novato P.D. CAD Log Printout records", Badge number NP.227 is, (Sergeant John David Deadman Call sign "13X9").

The Novato P.D. Submitted fifteen (15) different police reports in total to the District Attorneys office as evidence. The evidence show that most of the police reports were successfully approved by approving officer N.P.133. (See Each police report that was submitted, on first page, under "Administrative Information", for additional examination and inspection). Its really puzzling that only one police report was ever approved by approving officer N.P.227 out of the 15 police reports. And Magically the report that N.P.227 (Sgt Deadman) did approve, happened to be Officer DeBernardi's false report (Supplemental No #0005).

Under California Penal Code Section's 127, "Subversion of Perjury". Every person who willfully procures another person to commit perjury is guilty of perjury and is punishable in the same manner as he would be if personally guilty of the perjury so procured; and Section 132, "Offering forged altered, or ante-date book, document or record"; and 134, "Preparing false documentary evidence". (Sgt Deadman and officer DeBernardi are Both guilty of Perjury, Conspiracy and Obstructing Justice).

Unfolding The Conspiracy Cover-up.

Obstruction Of Justice: After months of investigation and analyzing all 15 police reports, dates, times, and Police reports approved officers. A

Werb

Line

1. Conspiracy Cover-up was unfolded. (See table 1. ~~Report~~ for more information)

2. TABLE I

3. (1) on [REDACTED] officer DeBernard had his "Police Report Supplemental No. 0005" approved by
4. approving officer (Sgt) Badge number [REDACTED] (Sgt. Deadman) at approval time [REDACTED] (see
5. - Debernard's Supplemental No. 0005 report)

6. (2) on [REDACTED] officer DeBernard had "Police Report Supplemental No. 0002" approved by
7. approving officer (Sgt) Badge number [REDACTED] at approval time [REDACTED] (see Debernard's report-
8. - Supplemental No. 0002)

9. (3) on [REDACTED] officer Trevor Hall had "Police Report Supplemental No. 0001", was approved
10. by officer (Sgt) Badge number [REDACTED] at approval time [REDACTED] (See Trevor Hall repor-

11.

12. **Question:** How is it, that on 2/24/06, Sgt. Deadman "only" approved DeBernard's false report
13. (Supplemental No. 0005) but yet didn't approve the other "Two police Report's" (See As shown on
14. Table #1). According to Debernard's false report, he wrote that, "At the time of his Contact with
15. the Suspect he described him as being Hispanic". It's really amazing how on the night
16. of the incident, Sgt. Deadman knew, and heard on dispatch radio, that the Suspect was a
17. "Black Male" (African American), and that's what the Novato Police officers were looking for! But yet
18. Sgt. Deadman authorized Debernard's report anyways, deliberately knowing that the
19. statements in Debernard's report were false.

20. **Note:** I'm wondering, how do you go from "looking for a Black Male, African American Suspect"
21. to then Magically Change in the Suspect ethnicity, to Hispanic? The Hispanic description was
22. only mentioned after already apprehending a Suspect.

23. The evidence clearly show that Both (victims and law enforcement professionals) Officer
24. DeBernard and "Sgt. Deadman" Bias, motivation to Solve the Crime was Corruptly
25. affected by there designation as the victims of the crime and an attack
26. on other officers [REDACTED] of the Novato Police Department. Sgt. Deadman and
27. DeBernard: Both knew that on the night of the incident (2/17/06) they were all looking for a
28. Black guy Suspect. Not a Hispanic male, like shown in Debernard's original police report
29. that was never Submitted into evidence and was kept secret for 7 months. However, what
30. both officers didn't know, is that the defendant was going to 1. Ask for the
31. Novato dispatch tapes and 2. discover Debernard's secret police report. Those two
32. Elements, is what led to the Conspiracy Cover-up and the Obstruction of
33. Justice. If it wasn't for the dispatch tapes, Both officer's would have gotten
34. away with Perjury.

1 Exhibit F, "Preparing False Documentary Evidence;"

2 Perjury Under "Oath," Concealing evidence

3 Statements of Facts

4 On February 18, 2006, while searching for the perpetrator at the [Scene of the Crime]
 5 for over "two hours" (See Novato CAD Log Printout) officer Debernard described the
 6 suspect ethnicity/ethnicity as "African American male" over the police dispatch radio
 7 (See Novato P.D. dispatch tapes).

8 After the search for the suspect, DeBernardi wrote a report (Police Report Supplemental-
 9 number # Original, Reported Date: 2/18/06). In Debernardi's original report, he wrote,
 10 "Suspect Ethnicity, Not of Hispanic Origin."

11 "Commission of Peace Officer Standards Training"

12 Note: [It's part of DeBernardi's personal training as a Law Enforcement professional,
 13 to record in the police report the important critical details of an investigation.]

14
 15 On February 24, 2006, two days after Officer Debernard had knowledge of the
 16 suspect name, ethnicity and physical/physical identity, he started/wrote a false report
 17 (Police Report Supplemental-number 0005, Reported Date: 2/24/06) at 00:30 hrs (see Debernard's
 18 report Supplemental No #0005, under "Administrative Information"). In Debernard's false report,
 19 he wrote a damaging contradiction with regards to what he said over dispatch radio
 20 and what he wrote in his original police report.

21 (DeBernardi wrote: "At the time of my contact with Paredes, I was unaware of his
 22 identity. I described him as white or Hispanic male.")

23 [Party having power to produce better evidence]

24 If weaker and less satisfactory evidence is offered when it was within the power of
 25 the party to produce stronger and more satisfactory evidence, the evidence offered should
 26 be viewed with distrust. (Cal. Evidence Code Section 412.)

27 After DeBernardi wrote the false police report, it was apparently Deliberately approved
 28 by one of the victims (Police Badge Number NP.227) who was also involve for the
 29 search of the Black Male perpetrator of the 2/28/06 offense. Debernard's false report
 30 was secretly approved by "Victim, Sgt. Deselman" (See Exhibit A-1 for the unmasking of
 31 why who is badge-number NP.227, and why NP.227 submitted a false police report).

32 As for Debernard's prior report, Police Report Supplemental-number (Original), it was
 33 corruptly concealed for Seven months, in order to submit the false report (Supplemental-
 34 number #0005) into evidence and upon Court proceeding against the Defendant.

Penal Code section 134, "Preparing false documentary Evidence"

2 Every person of preparing any false or ante-dated book, paper, record, instrument in
3 writing, or other matter or thing, with intent to produce it, or allow it to be
4 produced for any fraudulent or deceitful purpose, as genuine or true, upon any
5 trial, proceeding, or inquiry whatever, authorized by law, is guilty of FELONY.

7 On March 16, 2006, the Defendant's Attorney made a "Discovery Request, under California
8 Penal Code Section 1054.1;" to have access to "Novato Police Department dispatch traffic
9 tapes; And CAD Log Printout." Upon our request, those items were given to us
10 because it's "mandated by the Constitution of the United States." After hearing
11 the Novato Police dispatch, "from that day forward", Officer Debernard's Criminal misconduct
12 started to unfold!

Preliminary Hearing Transcript Report

14 (Refer to Preliminary Hearing Report, page 14; line 20-28)

15 Testimony from Officer DeBernard, while under Oath-⁹⁹

16 Q. At the time of the incident, how did you describe him?

17 [A] I described him as a light skin Black Male to dark skin White Male.

18 Preliminary Report page 30; line 1-24.

19 Cross-examination: [Q] And how did you describe the Suspect in your report -- according to your
20 report? [A] I describe him as a white or Hispanic male.

21 [Q] And what you wrote in your report was, "At the time of my contact with parades,
22 I was unaware of his identity"; is that right? [A] That's Correct.

23 [Q.] But you said, quote, "I described him as a white or Hispanic male." Is that
24 right? [A.] Correct. [Q.] And who would you have described him

25 that way to? [A] To other officers at the scene.

28 Q So, who did you describe him that way to at the scene?

27 A.] Any officers around me as we were talking about the incident.

28 Q. After the Search? [A.] During the end of the Search

29 [Q] What officers did you say that to? [A] I don't have a specific name.

30 Could give you.

- Love you.
31 Page 32

32 [0] ∞) $\rightarrow \mathbb{R}^n$

Q 50, when you wrote in your report that you described him as a white or Hispanic male, you were referring to something other than the

1 According to Officer DeBernardi's testimony from the Preliminary Hearing page 30 and 32,
 2 Debernardi Said that, "he" and other police officers search for the suspect
 3 at the Scene of the Crime while they were "Contacting people and trying to
 4 identify the suspect," he told those other officers that the suspect was a
 5 Hispanic male. Debernardi stated that he described the suspect as Hispanic male
 6 "during the end of the search or after the search".

7 Question: If in fact, Debernardi was really referring to the suspect as a
 8 Hispanic male like shown in his false police report, the same report that was
 9 written two days after a suspect was arrested, why did he conceal his prior original
 10 Police Report that stated, "Not of Hispanic Origin".....? If debernardi was referring to
 11 the suspect as a Hispanic male to other fellow ~~officers~~ Police officers after the
 12 search, how come his prior testimony stated that he described the suspect
 13 as being Hispanic male as "they" were "Contacting people at the Scene of the
 14 Crime trying to ~~identify~~ identify the person?" But what is
 15 even more amazing, is the fact that, Debernardi gave testimony while under Oath
 16 testifying to, describing the suspect as Hispanic Male to other police officers
 17 at the [Scene of the] Crime while "they" were searching for the suspect" how
 18 come after the ~~Debernardi~~ Search Debernardi wrote a police Report Clearly Stating
 19 that ~~that~~ the Suspects ethnicity was, "Not of Hispanic Origin"
 20 Debernardi Committed Perjury by stating that he described the suspect as
 21 Hispanic male at the Scene of the Crime. The Evidence is what it is, Not what
 22 Debernardi say it is.

23 Paragraph 5 of the evidence on Perjury Under Oath.
 24 Every person who, having taken oath to (testify, declare, etc) truly before any competent
 25 tribunal, officer or person, in any of the case in which the oath may by law
 26 be administered wilfully and contrary to the oath, states as true any material
 27 matter which he or she knows to be false, is guilty of the crime of perjury
 28 in violation of Penal Code 118.

29 Concealing Evidence Penal Code 135,
 30 False Peace Officer Report Penal Code 118.1

Incident Report

NOVATO POLICE DEPARTMENT

06-1087

Supplement No
ORIG

909 MACHIN AVENUE
NOVATO, CA 94945-3602

Phone (415) 897-4361
Fax (415) 898-5344

Reported Date
02/18/2006

Nature of Call

HIT & RUN

Officer

DEBERNARDI, TAIRA

Administrative Information

| | | | | | |
|--|------------------------------------|------------------------------|-----------------------------|------------------------------|------------------------------|
| Agency
NOVATO POLICE DEPARTMENT | Case Number
06-1087 | Supplement No
ORIG | Reported Date
02/18/2006 | Reported Time
22:09 | CAD Event
L06024658 |
| Status
Report to follow | Nature of Call
Hit and Run | Location
9 GARDEN CT | | | |
| City
Novato | ZIP Code
94947 | Rep Dist
NP4C/ | Area
NP | Beat
NP4 | From Date
02/18/2006 |
| To Time
22:09 | Officer
NP281/DEBERNARDI, TAIRA | From Time
22:08 | To Date
02/18/2006 | | |
| Assignment
Police Officer | Entered by
NP281 | Assignment
Police Officer | RMS Transfer
Successful | Assignment
Police Officer | 2nd Officer
BAKER, STUART |
| Solvability
B- Medium/High Level - Priority 2 | | Score
275 | Approving Officer
NP133 | | Approval Date
02/21/2006 |
| Approval Time
09:28:04 | | | | | |

Related Case Number

NP06-1085 / NP06-1086

Offenses Offense

1 20002 VC

Link Involvement Invl No

SUS SUS 1

Link Involvement Invl No

VIC VIC 1

Offenses Offense

2 23103 VC

Link Involvement Invl No

SUS SUS 1

Offenses Offense

3 22107 VC

Link Involvement Invl No

SUS SUS 1

Description
Hit & RunRace
OSex
M

DOB

Description
Reckless DrivingRace
WSex
MDOB
08/25/1984Description
Warr/Inf Traffic VioRace
OSex
M

DOB

Person Summary

Invl Invl No Type Name

SUS 1 I UNKNOWN

Invl Invl No Type Name

VIC 1 I MARTIN, NATHAN BRUCE

MNI

Race
OSex
M

DOB

MNI

Race
WSex
MDOB
08/25/1984**Vehicle Summary**

Invl Type License No State Lic Year Year

ACC 1 5LHB657 CA 2003 2003

Invl Type License No State Lic Year Year

ACC 1 5LHB657 CA 2006 2005

Make Model Style Color

BMW 530 4D SIL

TOYT SCI 2D BLK

Summary Narrative

See attached collision report.

Report Officer

NP281/DEBERNARDI, TAIRA

Printed At

08/18/2006 08:08

Page 1 of 3

Incident Report

NOVATO POLICE DEPARTMENT

06-1087

Supplement No
ORIG**Suspect 1: UNKNOWN**

| | | | | | | | |
|-------------------------------|----------|-------------------|----------------|--------------|---------------|----------------|--------------|
| Involvement | Inv No | Type | Name | Race | Sex | Age | |
| Suspect | 1 | Individual | UNKNOWN | Other | Male | 25 | |
| Ethnicity | | Juvenile? | Hair Color | Eye Color | Skin | Gen Appearance | Build |
| Not of Hispanic origin | | No | Black | Brown | Medium | Clean | Heavy |
| Hair Description | | Facial Features | | | | | |
| Short hair/Straight | | Unshaven | | | | | |
| Clothing | | | | | | | |
| Black/Short sleeve | | | | | | | |

Victim (Person) 1: MARTIN, NATHAN BRUCE

| | | | | | | | |
|------------------------|--------------|-------------------|-----------|-------------------------------|--|--|--|
| Involvement | Inv No | Type | Name | MNI | | | |
| Victim (Person) | 1 | Individual | | | | | |
| Race | Sex | DOB | Age | Ethnicity | | | |
| White | Male | 08/25/1984 | 21 | Not of Hispanic origin | | | |
| Eye Color | Skin | | | | | | |
| Blue | Light | | | | | | |
| Home Address | | | | | | | |
| ZIP Code | | 94949 | | | | | |
| Type | SLS | | | | | | |
| Occupation | | | | | | | |
| Cell Phone | | | | | | | |
| Employer/School | | | | | | | |
| SANTA ROSA JC | | | | | | | |

Vehicle

| | | | | | | |
|-------------------------|--------------------------|-----------------------------|------------|------------|--------------------------|------------------------|
| Involvement | Type | Year | Make | Model | Style | Color |
| Traffic accident | Auto | 2003 | BMW | 530 | 4-door Automobile | Silver/aluminum |
| Value | VIN | Storage | | | | Dispo |
| \$40,000 | WBADT63453CK31969 | Downtown Ignacio Tow | | | | Dispo Date |
| Damage | # Occupants | | | | | Towed |
| Left | 1 | | | | | 02/19/2006 |
| Involvement | Type | Year | Make | Model | Style | Color |
| Traffic accident | Auto | 2003 | BMW | 530 | 4-door Automobile | Silver/aluminum |
| Value | VIN | Storage | | | | Dispo |
| \$40,000 | WBADT63453CK31969 | Downtown Ignacio Tow | | | | Dispo Date |
| Damage | # Occupants | | | | | Towed |
| Left | 1 | | | | | 02/19/2006 |

Has Keys Release Information
WITH VEHICLE **RO or agent**

By Condition Auth By
DEBERNARDI, TAIRA

Tow From Damaged

9 GARDEN CT

Tow To

106 GALLI DR #A

Nity Date Tow Auth/Reason

02/19/2006 22651(C) VC

| Link | Involvement | Inv No | Name | Race | Sex | DOB |
|------|-------------|--------|----------------|------|-----|-----|
| DRV | SUS | 1 | UNKNOWN | O | M | |

Vehicle: 5LHB657

| | | | | | | | |
|------------------------------------|---|--------------------------|-----------------------------|-------------------|------------|-------------------|--|
| Involvement | Type | License No | State | Lic Year | Model | | |
| Traffic accident | Auto | 5LHB657 | California | 2006 | SCI | | |
| Lic Type | Year | | | | | | |
| Passenger Automobile Plates | 2005 Toyota/Toyota Motor Co., Ltd. | | | | | | |
| Style | Color | VIN | Dispo | Dispo Date | | | |
| 2-door Automobile | Black | JTKDE177950030674 | Left at Scene | 02/19/2006 | | | |
| Damage | # Occupants | | | | | | |
| Right | 0 | | | | | | |
| Link | Involvement | Inv No | Name | Race | Sex | DOB | |
| SUS | SUS | 1 | UNKNOWN | O | M | | |
| Link | Involvement | Inv No | Name | Race | Sex | DOB | |
| OWN | VIC | 1 | MARTIN, NATHAN BRUCE | W | M | 08/25/1984 | |

Narrative

Report Officer
NP281/DEBERNARDI, TAIRA

Printed At
08/18/2006 08:08

Page 2 of 3

Incident Report NOVATO POLICE DEPARTMENT

06-1085

Supplement No
0005

Officer Taira Debernardi's
false Police Report (Supplement)
Not 0005, Reported date 2/24/06

AVENUE
9494602
CONFIDENTIAL INFORMATION

Reported Date: 02/24/2006
Nature of Call: ASSAULT
Officer: DEBERNARDI, TAIRA

RELEASED

361

DA

3410

221

Administrative

Agency: NOVATO POLICE

Status:

Report to:

Location: 1535 S NOVATO

Area: Beat: SO2 SO21

Officer: NP281/DEBERN

Assignment: Police Officer

Approval Date: 02/24/2006

BENEFIT

| | | | |
|---|----------------------------------|--------------------------|--------------------------|
| Supplement No: 85 | Reported Date: 0005 - 02/24/2006 | Reported Time: 00:30 | CAD Event: L06024634 |
| Description: rav, SImp, Battery, Att murd | | | |
| City: Novato | | ZIP Code: 94947 | Rep Dist: S21C |
| To Time: 18/2006 22:07 | | | |
| Assignment: Police Officer | 2nd Officer: DEBERNARDI, TAIRA | RMS Transfer: Successful | Approving Officer: NP227 |

Modus Operandi**Narrative****Introduction**

On 02-18-06 at approximately 2205 hours, I was dispatched to the area of DeSilva's bar (1535 S. Novato Blvd) on a report of a physical altercation not associated with this incident.

Upon arrival, I pulled into the private parking lot fronting 1535 S. Novato Blvd and observed a gray 2003 BMW, with paper plates, also pulling into the PPL from Center Rd. I was behind the vehicle as the vehicle proceeded southbound towards the Post Office. I realized the vehicle would be unable to continue forward, due to the presence of NPD vehicles that also responded to assist with the reported altercation. I therefore stopped approximately 20 feet behind the BMW, allowing plenty of space for the driver to maneuver around the patrol vehicle if needed.

While still sitting inside my patrol vehicle, I observed the back-up lights of the BMW activate. The vehicle started backing in a straight line towards my patrol vehicle and the driver appeared unaware of my presence. I repeatedly honked my horn to alert the driver of the BMW of my presence and the impending collision. The driver continued backing until he struck the front bumper of my patrol vehicle (see collision portion of case NP06-1085 for additional information).

I then contacted the driver and sole occupant of the vehicle, later identified as S-Paredes.

Investigation

I approached the BMW from the driver side and attempted to contact the driver through the front driver side window, which was closed. I knocked on the window and requested to see Paredes' CDL, registration and proof of insurance. Paredes did not comply with my request and appeared to be putting the vehicle in "drive."

The BMW began to pull forward and I walked on the side of it, by the driver's side window. I repeatedly requested Paredes roll down the side window and turn the vehicle off. Once again Paredes refused to comply with my request and, realizing he could not continue forward, he placed the vehicle in "reverse."

Paredes backed up rapidly, making a right turn to avoid my patrol vehicle and forcing me to follow the car movement to avoid being struck by the swing of the front portion of the BMW. I extended my department issued expandable baton and continued giving verbal orders to Paredes to turn the engine off and get out of the vehicle. Officer Baker, who was approaching the vehicle to assist me with this incident, was now in a position fronting the vehicle.

Paredes put the vehicle in "drive" and rapidly accelerated towards Officer Baker. I struck the front driver side

Report Officer: NP281/DEBERNARDI, TAIRA

Printed At: 02/27/2006 14:24

Page 1 of 2

177498

**Incident Report
NOVATO POLICE DEPARTMENT****06-1085**Supplement No
0005**Narrative**

window of the vehicle with my baton, but did not brake the glass. Officer Baker ran to his left, to avoid being struck by the vehicle.

Paredes rapidly accelerated through the parking lot towards Center Rd and struck the front of Sgt Deadman's patrol vehicle, which was stopped at the entrance/exit of the parking lot area (see collision report NP06-1086 for additional information).

Paredes continued driving eastbound on Center Rd and Garden Ct, where he collided with a parked vehicle (see collision report NP06-1087 for additional information). He then fled the area on foot.

At the time of my contact with Paredes, I was unaware of his identity. I described him as a White or Hispanic male, approximately 25 years old. He had short black hair (approximately $\frac{1}{2}$ to 1 inch long), brown eyes and was wearing a black t-shirt.

I was later asked to look at a photographic lineup and identify, if present, the driver of the vehicle. I identified the picture of Paredes as being the suspect in this incident. I advised Officer Rivera that at the time of my contact with Paredes, he was a little thicker in the face than shown on the picture. Additionally Paredes had shorter hair and appeared a little older than his picture depicted. Nevertheless, Paredes was the driver and sole occupant of the open BMW at the time of this incident.

Disposition

Supplement to be forwarded to the DA's Office.

Concurred
Mark Cook Day
B. Pete DeWitt
Tom Pfeifer - A 44903

W. b.
M. b.

Office of the United States District Court for Northern District of California
450 Golden Gate Avenue
Box 36060
San Francisco, CA 94141